

### **REMARKS**

Claims 1-21, 23-25 and 27-34 are pending. Claims 11-21, 23-25, and 27-32 are withdrawn from consideration. Claim 1 is amended to change the transitional phrase from “comprising” to “consisting essentially of”. No new matter has been entered. Entry of the amendment pursuant to 37 CFR 1.116<sup>1</sup> and favorable reconsideration are earnestly solicited.

#### **Claim Rejections – 35 U.S.C. §103**

On page 2 of the Action, claims 1-6, 8 and 22<sup>2</sup> stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Cho (US 4,988,394). On pages 3-4 of the Action, claims 7, 8, 10, 9, 33, and 34 stand variously rejected under 35 USC 103 over Cho in view of one or more of Mohr, WO’586, Sanders, and/or Wyatt-Mair. Applicant respectfully requests reconsideration and withdrawal of these rejections.

Namely, in view of the present amendment, the extra steps of Cho are not covered by the claims. Hence these rejections are no longer tenable. Withdrawal of the rejections and issuance of this application are respectfully urged.

#### **Request for Rejoinder**

Applicants respectfully request rejoinder of the withdrawn claims. Even though the withdrawn claims are directed to products, they are of the same scope as claim 1, and thus, under the spirit of the *In re Ochiai* guidelines, they should also be allowed together with the claims which are now in condition for allowance.

### **CONCLUSION**

In view of the foregoing remarks, Applicant respectfully asserts that the rejections as set forth in the Office Action of October 28, 2008 have been addressed and overcome.

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<sup>1</sup> Entry pursuant to 1.116 is appropriate as the instant amendment is believed to place this application in condition for allowance without raising any new issues. Indeed, the Examiner stated on page 5 of the Action that the term “comprising” was what caused him to reject the claims. Thus, since the claims are proposed to be amended to delete “comprising” and insert therefore, “consisting essentially of,” the proposed amendment would place this case in condition for allowance.

<sup>2</sup> Claim 22 was canceled. This was acknowledged on page 2 of the October 28, 2008 Office Action. Therefore, the rejection of claim 22 is therefore not understood.

Applicant further respectfully asserts that all claims are in condition for allowance and requests that a Notice of Allowance be issued. If issues may be resolved through Examiner's Amendment, or clarified in any manner, a call to the undersigned attorney at (202) 508-3450 is courteously solicited.

Applicants believe that no fee is due. However, the Commissioner is hereby authorized to charge deposit account 50-4254 for any deficiency of fees or credit any overpayments.

Respectfully submitted,

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